

# Highway Adoption and Searches

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## **Highway Adoption**

Adopted highway is highway maintained and managed at the public expense by the local Highway Authority. It is recommended that developers enter into an agreement with the Highway Authority under Section 38 of the Highways Act 1980 to ensure newly constructed roads are adopted on completion as public highway. Once a development has received approval under Building Regulations, the Highway Authority will seek a guarantee that all roads, footpaths, verges and structures will be completed in accordance with the standards. Before any building construction work begins on a site the developer must:

- complete payment of the estimated costs of the works the Advance Payment Code of Section 219 of the Highways Act 1980;
- or
- enter into a Section 38 Agreement and provide a bond for due completion.

If a developer wishes for a road to not be adopted and remain private, they must submit a plan to the Highway Authority under Section 31(6) of the Highways Act 1980 identifying the extent of the private street, enter into a legal agreement under Section 106 Town and Country Planning Act to indemnify the Highway Authority against future petitioning by residents to adopt their road under Section 37 of the Highways Act 1980 and to secure future private maintenance arrangements for the road.

Developments of 5 dwellings or less of any type will not normally be adopted. Additionally the Highway Authority will not typically seek to adopt road layouts purely for an industrial or commercial nature unless a through route with wider strategic transport benefits.

## **Highway Searches**

Official land searches are conducted by the North East Lincolnshire Local Land Searches team. For more information please refer to [www.nelincs.gov.uk/planning-and-development/local-land-searches/](http://www.nelincs.gov.uk/planning-and-development/local-land-searches/).

If you only require answers to the highway related parts of the CON29 search, these can be requested from the Highway Assets team directly via [HighwayDC@nellincs.gov.uk](mailto:HighwayDC@nellincs.gov.uk).

If you require us to provide a plan showing the extent of the highway, a charge of £70.00 (inc VAT) will apply. Please email [HighwayDC@nelincs.gov.uk](mailto:HighwayDC@nelincs.gov.uk) to request a highway plan.